

Zoning Regulation Text Amendments
Adopted by PZC June 2, 2009
Effective Date July 4, 2009

LIST OF AMENDMENTS

- **ARTICLE II** (Section 2.6 – Non-Conforming Use & Bulk).
- **ARTICLE IV** (Section 4.9.9.4 – Access Management).
- **ARTICLE V** (Section 5.1.2 & 5.2.2 – Use Tables).
- **ARTICLE VI** (Section 6.1 – Special Use Permits; 6.6.23 – Traffic Impact Study; 6.6.24 – Archaeology Study).
- **ARTICLE VII** (Section 7.7.3 -- Minimum Lot Area Requirement in Flood Hazard Zones).
- **ARTICLE VIII** (Section 8.3 – Site Plan Submissions; 8.4 – Plan Requirements; 8.6 – Bonding Requirements; 8.7 – Fee Schedule; 8.8 – Impact Statement; 8.9 – Public Hearings; and 8.10 – Zoning Board of Appeals).

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ARTICLE II

GENERAL REGULATIONS

ZR 2.6.1.3 is modified to better define “Change of Non-Conforming Use,” and to treat this as a SUP in all districts. See also use charts for residential and commercial zones contained in Sections 5.1.2 and 5.2.2.

2.6 NON-CONFORMING USE AND BULK

2.6.1 Lawful uses or bulk in existence and not conforming to these Regulations on the effective date of these Regulations or on the effective date of amendments to these Regulations are considered pre-existing non-conforming and may be continued, subject to the following conditions and specifications:

2.6.1.1 Non-conforming uses and bulk may be continued but may not be intensified or expanded in area, height, amount of use, or extent of bulk.

2.6.1.2 Normal maintenance, minor repair and minor interior alterations are allowed by permit to be issued by the Zoning Enforcement Officer so long as no new non-conforming bulk or use is created.

2.6.1.3 Change of Non-conforming Use. By Special Use Permit, the Commission may allow a change from an existing non-conforming use to another use of like or similar character, provided that the degree of existing non-conformity is not expanded by the new use.

.1 The Commission shall conduct a public hearing for all non-conforming use changes, in accordance with Section 8.9.

.2 The applicant shall submit an Impact Statement, in accordance with Section 8.8.1.

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ARTICLE IV

DISTRICT REGULATIONS – COMMERCIAL/INDUSTRIAL ZONES

Section 4.9.9.4.4 is deleted, which referred to a nonexistent Section 4.9.13.

4.9.9 Access Management and Consolidated Parcels.

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4.9.9.4 Consolidated Parcels. When development occurs contiguous to a development approved under these regulations and/or two or more contiguous parcels are being developed simultaneously, the Commission may require that the parcel(s) be developed as a consolidated parcel complying with one or more of the following.

.1 The owners of each lot shall, by deed or easement filed in the office of the Town Clerk, give the Town of Stonington and/or the owners of all other lots in a consolidated parcel the right of ingress and egress, passage, parking and loading.

.2 The consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping and signage.

.3 Unless the Commission determines that buffers are needed between incompatible uses within a consolidated parcel, yard, buffer, parking, and building setback requirements for individual lots within a consolidated parcel shall not apply but shall instead apply to the consolidated parcel as a whole.

ARTICLE V

USE AND BULK TABLES FOR ALL ZONES

Residential and Commercial Use Tables are modified to reflect Section 2.6.1.3 (Change of Non-Conforming Use requiring a Special Use Permit).

5.1.2 Residential Zones: Permitted, Accessory & Special Uses. (Table)

USE	ZONE								
	GBR 130	RC 120	RR 80	RA 40	RM 20	RM 15	RH 10	RA 20	RA 15
Change of Non-Conforming Use	S	S	S	S	S	S	S	S	S

5.2.2 Commercial/Industrial Zones: Summary of Permitted; Accessory & Special Uses. (Table)

USE	ZONE								
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60
Change of Non-Conforming Use	S	S	S	S	S	S	S	S	S

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ARTICLE VI

SPECIAL USE PERMITS – REQUIREMENTS

Submission guidelines for Special Use Permits are updated to better define required application materials, provide cross-references to other sections of the zoning regulations, and clarify process for granting waiver requests.

6.1 SPECIAL USE PERMITS – GENERAL

Purpose:

Special Uses are a class of use requiring more intensive review in order to ensure that the purposes stated in Section 1.0.1 are met by larger proposals: generally, to preserve the significant features of the Town, to protect the health and welfare of the Town and to allow reasonable growth.

6.1.1 Application Requirements and Procedure.

6.1.1.1 Completed applications shall be filed with the Planning Department.

- 6.1.1.2 The Commission, or its appointed agent, will review the application and notify the applicant of any required reports, deficiencies or missing application documents.
- 6.1.1.3 The applicant shall provide written notice of a public hearing to abutters in accordance with Section 8.9.6 of these regulations. [EDITOR'S NOTE: SEE ZR 1.2.2 FOR ABUTTER DEFINITION]
- 6.1.2 Application Documents. A completed application for a Special Use Permit shall include:
 - 6.1.2.1 Impact Statement in accordance with Section 8.8.1.
 - 6.1.2.2 Type 2 Site Plan in accordance with Sections 8.3 and 8.4.
 - 6.1.2.3 Structure renderings and elevation drawing for review in accordance with Section 7.13.3.
 - 6.1.2.4 The applicant shall submit the following reports
 - .1 Water Impact Study (Quality and Quantity).
 - .2 Sanitary Sewer Impact Study.
 - .3 Stormwater Drainage Analysis (Section 8.4.2.6).
 - .4 Erosion and Sedimentation Control Report (Section 7.6).
 - .5 Traffic Impact Study (Section 6.6.23).
 - .6 Archaeological Study (Section 6.6.24).
 - .7 Environmental Assessment.
 - .8 Soils Report, Test pit data and Mapping.
 - .9 School Impact Evaluation Report.
 - 6.1.2.5 A shadow plan shall be submitted in accordance with Section 7.14.2.
 - 6.1.2.6 Other reports, as required, such as, but not limited to:
 - .1 Marketing study.
 - .2 Scaled three-dimensional (3D) model for commercial, industrial or housing projects which fall under the criteria of Section 6.2.
 - .3 Flood Hazard Report (Section 7.7).
 - 6.1.2.7 Application Fee per Town Ordinance payable to the Town of Stonington at the time an application is filed (Section 8.7).
 - 6.1.2.8 Legal description of property/site.

6.1.2.9 Phasing requirements for projects over 24 dwelling units (Section 6.2).

6.1.2.10 The Commission may waive one or more of the above application documents by majority vote, provided that such request is made in writing at the time of application submission, describing in sufficient detail why such information is not relevant to the Special Use Permit application. This waiver shall not apply to application fees.

6.1.3 Expansions.

Any expansion of a use listed in these Regulations as a Special Use Permit shall require submission of an application for the new portion of the development project.

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New section, providing procedural guidance and methodology for a Traffic Impact Study, as required by 6.1.2.4.5 (Special Use Permit – Application Documents). Objective is to prevent a reduction in Level of Service on state and town roads due to development.

6.6.23 Traffic Impact Study.

Traffic Impact Study, whose conclusions and recommendations shall strive to prevent any reduction in Level of Service (LOS) from existing conditions, with LOS being a qualitative measure of traffic flow efficiency based on anticipated vehicle delays. The Commission at its discretion may require information to be provided reflecting summer weekend peak periods when tourist generated traffic volumes are known to be their greatest. The Traffic Impact Study shall be prepared by a professional traffic engineer, and contain the following information.

6.6.23.1 Scenarios describing both present day and future No-Build background traffic growth conditions on the surrounding roadway system, including a determination of weekday and weekend peak hour AM and PM traffic volumes, intersection turning movement counts and intersection capacity analysis, and LOS.

6.6.23.2 A scenario detailing impacts of the proposed development based on the Institute of Traffic Engineers' published trip generation rates for the contemplated land use (7th Edition or later). This analysis shall include a forecast of weekday and weekend peak hour AM and PM traffic volumes on new

streets, site driveways and the surrounding roadway system, intersection turning movement counts and intersection capacity analysis, and LOS.

- 6.6.23.3 Intersection stopping sight distance analysis based on American Association of State Highway Transportation Officials (AASHTO) recommended minimum stopping sight distance for a driver's 85th percentile perception-reaction time.
- 6.6.23.4 Motor vehicle accident analysis based on available local and state police reports, including a discussion of these data as it relates to the proposed development.

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This is a new section, providing procedural guidance for Archaeological Studies, as required by 6.1.2.4.6 (Special Use Permit – Application Documents).

6.6.24 Archaeological Study.

Developments shall be laid out to preserve cemeteries and human burials, significant cultural resources and unique man-made features of historic importance utilizing the following guidelines.

- 6.6.24.1 Archaeological Assessment. An on-site archaeological assessment shall be required if there is a likelihood that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. This assessment shall be conducted in accordance with standards contained in the *Environmental Review Primer for Connecticut's Archaeological Resources*. Reference copies are on file at the Connecticut State Historic Preservation Office and the Stonington Department of Planning.
- 6.6.24.2 Determination of Need. The determination of need for an archaeological assessment shall be based on:
 - .1 Proximity to identified cemeteries, human burials, archaeological sites, historic sites.
 - .2 Natural terrain features such as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters, where these factors reflect scientifically documented

settlement patterns preferred by Native Americans or European Colonists.

- .3 In making this determination, the Planning Department or Commission may seek advice and comment from the Office of Connecticut State Archaeology and/or the State Historic Preservation Office.

6.6.24.3 Management Plans. Cultural resource management plans submitted to the Commission by the applicant shall consist of:

- .1 A written investigative report prepared by a professional archaeologist, containing appropriate historic documentation, a description of research design methods and techniques, and a description of sites, features and artifacts discovered as a result of the archaeological investigation. A list of accredited professional archaeologists is maintained by the Connecticut State Historic Preservation Office.
- .2 An evaluation of impact of the proposed development on identified cemeteries, human burials, archaeological sites and historic sites.
- .3 A description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on identified cultural resources. This may include an estimate of mitigation costs and time required for more extensive investigations. Measures may include open space dedication; conservation easements; redesign or relocation of roads, drainage features or buildings so as to minimize adverse impacts; or excavation and removal of cultural remains supervised by a professional archaeologist.
- .4 Copies of all investigative reports and management plans shall be submitted to the Office of Connecticut State Archaeology and State Historic Preservation Office for review and comment prior to close of any public hearing. Comments received from state officials shall be incorporated into the public hearing record.

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ARTICLE VII

SPECIAL REGULATIONS

Clarifies, but does not change allowable lot area in designated Flood Hazard Zones. Requires use of FEMA's NAD83 mapping standard to determine mean sea level.

7.7.3 Minimum Lot Area Requirement in Flood Hazard Zones.

All portions of a lot located in a Flood Hazard Zone at elevations greater than three (3) feet horizontal above mean sea level as determined by North American Datum 1983 (NAD83) may be counted towards the lot area requirement within a district, but in no event shall any portion of a parcel located less than three (3) feet above mean sea level be counted towards the lot area requirement.

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ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Provides for voluntary pre-application review with staff (8.3.1), clarifies waiver requests (8.3.2.4), and lists required site plan submission materials for a completed application (8.3.3 through 8.3.5). Provides guidance on major and minor site plan modifications and changes to already approved plans (8.3.6).

8.3 SITE PLAN SUBMISSIONS – REVIEW AND APPROVAL.

8.3.1 Pre-Application Review.

A pre-application review with the Department of Planning, while not mandatory, allows an applicant to discuss pertinent regulations and procedures. The objective is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal costs associated with preparing a detailed application, and to reduce time spent on formal plan reviews and public hearings. Pre-application meetings are intended to guide the applicant, and staff comments shall not be considered approval or denial of a project or any of its elements.

8.3.2 Site Plan Content, Review and Approval.

Site Plan approval shall be granted by the Commission or the Zoning Enforcement Officer as is applicable, upon a finding of compliance with these Regulations, including submission of a Type 1 or a Type 2 Site Plan

as required herein. The number of copies to be submitted with an application shall be determined by the Department of Planning.

- 8.3.2.1 The Zoning Enforcement Officer shall review uses permitted by right (including accessory uses) in residential zoning districts. The Zoning Enforcement Officer shall also review single family dwellings and their accessory uses located in commercial and industrial zoning districts. A Type 1 Site Plan shall be submitted, containing those elements listed in 8.4.1 that the Zoning Enforcement Officer determines are necessary to demonstrate compliance with these Regulations.
- 8.3.2.2 With the exception of single family dwellings and associated accessory uses administered under Section 8.3.2.1, the Planning and Zoning Commission shall review all other uses permitted by right (including related accessory uses) in commercial and industrial zoning districts. Activities requiring a Type 1 site plan are listed in 8.3.4, while those requiring a Type 2 site plan are listed in 8.3.5. The Commission may by majority vote require a public hearing for permitted uses when it determines to do so will be in the interest of the public.
- 8.3.2.3 The Planning and Zoning Commission shall review all activities requiring a Special Use Permit. A Type 2 Site Plan shall be submitted containing all elements listed in 8.4.2. In addition, applications for Special Use Permits shall address in writing all items listed in 6.1.2 (Application Documents).
- 8.3.2.4 When reviewing Type 1 or Type 2 Site Plan applications, the Commission by majority vote may waive one or more of the listed plan elements when an application involves either minimal site alterations, or when there are sufficient plans on file with the Commission demonstrating site conditions. Waiver requests shall be made in writing by the applicant at the time of application submission, specifically describing the relief being sought.

8.3.3 Complete Application.

- 8.3.3.1 Type 1 or Type 2 Site Plan submissions shall be deemed complete when the Department of Planning has certified it contains all items as specified herein. If an application lacks information required by these Regulations, including waivers that have not been requested and justified, such deficiencies

shall be noted in the staff report to the Commission, a copy of which shall be provided to the applicant. Incomplete applications risk denial.

- 8.3.3.2 Notwithstanding the above requirements, the Commission may subsequently require the correction of any information found to be in error, or submission of additional information specified in these regulations but not required by the Department of Planning, as it deems necessary to make an informed decision.

8.3.4 Type 1 Site Plans are required for the following:

- 8.3.4.1 Uses permitted by right in Residential, Commercial or Industrial Zones, to include all commercial/office buildings and use proposals up to 1,000 gross square feet.
- 8.3.4.2 Parking areas for nine (9) cars or less.
- 8.3.4.3 Duplex and triplex housing units.
- 8.3.4.4 Home occupations, crafts, artisans.
- 8.3.4.5 Accessory uses and permitted uses (except as under 8.3.5).
- 8.3.4.6 Sale of agricultural produce grown on premises.

8.3.5 Type 2 Site Plans are required for the following:

- 8.3.5.1 Parking areas for ten (10) or more cars.
- 8.3.5.2 All commercial/office buildings over 1,000 gross square feet.
- 8.3.5.3 Attached housing (Section 6.6.15).
- 8.3.5.4 Other uses as required by majority vote of the Planning and Zoning Commission.
- 8.3.5.5 Special Use Permits and Site Plans in conjunction with same, and Variance Applications.

8.3.6 Changes and Modifications to an Approved Plan.

- 8.3.6.1 The Commission may approve the following types of minor modifications or changes to a previously approved Site Plan or Special Use Permit.

1. Minor site plan modifications and/or minor building renovations that will not significantly impact natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life.
2. Change from one conforming use to another conforming use that will not significantly impact natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life.

8.3.6.2 When requesting a minor modification, the applicant shall provide a written description of all proposed changes. A revised Site Plan drawing depicting all modifications shall be provided, unless it is determined that there are sufficient plans on file with the Commission demonstrating that no major site alterations are proposed.

8.3.6.3 Modifications to a previously approved Site Plan or Special Use Permit shall not be granted for proposals that in the opinion of the Commission will result in significant impacts to natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life. If determined by majority vote of the Commission, revisions of this magnitude will require submission of a new application to the Commission. Per Section 6.1.3 any expansion of a use listed in these Regulations as a Special Use shall require a new Special Use Permit application for the new portion of the development project.

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Section 8.4 (Site Plan Requirements) is updated, providing cross-references to other sections of the zoning regulations.

8.4 SITE PLAN REQUIREMENTS

A sufficient number of appropriately sized sheets shall be provided to clearly show all of the information required, numbered sequentially (e.g., Sheet 1 of 3, 2 of 3, etc.). Plans shall be at an appropriate scale, with the same scale maintained throughout the plan set. Specific requirements for Type 1 Site Plans, Type 2 Site Plans, and Master Plans are noted below.

8.4.1 Type 1 Site Plans. Unless a Class A-2 level of survey accuracy is required by the Planning Department or Zoning Enforcement Officer, Type 1 site plans may be prepared to Class D survey standards based on existing plans, surveys, tax maps, and maps. Type 1 plans shall contain the following:

- 8.4.1.1 Name of proposed development.
- 8.4.1.2 Name and address of property owner and surveyor / engineer.
- 8.4.1.3 Graphic scale, true north arrow, date of plan preparation, with revision date(s).
- 8.4.1.4 Zoning district(s). If more than one district, zoning boundary lines must be shown.
- 8.4.1.5 Assessor's Map / Lot / Block number of tracts being developed.
- 8.4.1.6 Names of abutting property owners and property owners across adjacent streets, including Assessor's Map / Lot / Block numbers.
- 8.4.1.7 Perimeter boundary lines and dimensions of the development parcel drawn so as to be distinguishable from other boundaries, and all other existing property lines within or adjacent to the parcel, including existing and proposed easements and rights-of-way.
- 8.4.1.8 Table stating minimum lot area and building setback dimensions required for the zoning district (Section 5.1.1 or 5.2.1).
- 8.4.1.9 Building envelopes for all lots, with setback lines running parallel to lot lines.
- 8.4.1.10 Existing and proposed buildings(s) with exterior dimensions, area in square feet, and number of stories.
- 8.4.1.11 Distance on all sides between buildings and property lines as measured on the site.
- 8.4.1.12 FEMA Flood Insurance Rate Map reference, flood elevation boundary and base flood elevation data.

- 8.4.1.13 Location of inland wetlands, watercourses and/or designated coastal features.
 - 8.4.1.14 Location, width and names of existing streets immediately adjacent to the development parcel, including placement of curblines and sidewalks.
 - 8.4.1.15 Existing and proposed driveway curb cuts, to include stop signs at entrances to town roads and state highways.
 - 8.4.1.16 Off-street parking requirements, in compliance with Section 7.10.
 - 8.4.1.17 Stormwater drainage and site grading plan at minimum contour intervals of 2 feet, showing all proposed contours, drainage facilities, and grading if part of proposed development improvements.
 - 8.4.1.18 Proposed retaining walls, to include height, construction material and color.
 - 8.4.1.19 Existing and proposed utilities, including sewer, water, gas, electric, phone, cable TV, fire hydrants and fire alarm boxes.
 - 8.4.1.20 Outside screened storage and refuse disposal areas.
 - 8.4.1.21 Erosion and Sediment Control Plan, as required per Section 7.6.
- 8.4.2 **Type 2 Site Plans.** Type 2 site plans shall be prepared to Class A-2 accuracy, signed and sealed by a Connecticut licensed land surveyor, to contain the following:
- 8.4.2.1 All items listed in 8.4.1.
 - 8.4.2.2 Landscape Plan, prepared by a Connecticut registered landscape architect, to include the following items:
 - .1 Location of all existing and proposed plant materials, lawn, sod and mulch areas.
 - .2 Proposed landscaping specific to location, including common and botanical names, and size at planting and maturity.
 - .3 Tree protection measures, planting, staking and guying details.
 - .4 Areas where existing vegetation will be removed.

- .5 Location of proposed irrigation systems (if provided).
 - .6 Specific landscape treatments within required buffer areas, to reflect and encourage Best Management Practices (BMPs) contained in the 2004 Connecticut Stormwater Quality Manual.
 - .7 Details of refuse areas, screening and fencing including materials, colors and height.
 - .8 Written installation schedule and maintenance plan, describing warranties for all trees, shrubs, groundcovers and perennials.
- 8.4.2.3 Internal Traffic Circulation Plan and Off-Street Parking in conformance with Section 7.10, to include the following items:
- .1 All points of ingress and egress and associated queuing areas.
 - .2 Width of all travel lanes.
 - .3 Stop signs, stop bars and directional arrows.
 - .4 Location of loading areas.
 - .5 Location and dimensions of parking spaces (including handicapped), with total number of spaces shown.
- 8.4.2.4 Signage Plan in conformance with Section 7.12, to include the following items:
- .1 All sign locations.
 - .2 Height, size, materials, colors and proposed illumination.
 - .3 Vision triangle details, as applicable per Section 7.12.4.3.
 - .4 Multiple-Tenant Signage Program, as applicable per Section 7.12.8.
- 8.4.2.5 Lighting Plan to include the following items:
- .1 Location of all exterior fixtures, including free-standing and building mounted lights.
 - .2 Chart indicating the light source type, mounting height and wattage/lumens.
 - .3 Point by point scaled photometric plan, including cumulative light level for all fixtures.
- 8.4.2.6 Stormwater Drainage analysis and design prepared by a Connecticut licensed professional engineer for all roof areas, parking lots, driveways, and other areas where construction and grading will alter site drainage, to reflect and encourage Best Management Practices (BMPs) contained in the 2004 Connecticut Stormwater Quality Manual. Drainage designs

shall provide locations and invert details for all existing and proposed catch basins, dry wells, leak offs, culverts, swales, stormwater infiltration devices, and detention or retention basins.

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Section 8.6 (Bonding Requirements) is revised to reflect current Town policy. New text describes Performance Bond, Maintenance Bond, and E&S Bond.

8.6 BONDING REQUIREMENTS

8.6.1 Performance Bond. The Commission may require the posting of a bond in an amount and of duration necessary to assure and guarantee completion of site improvements such as, but not limited to, site grading, stormwater drainage, lighting, screening, landscaping, and other improvements indicated on the final site plan. The total estimated Performance Bond shall also include a 15% addition to cover contingencies and engineering costs to be incurred by the Town.

8.6.1.1 Performance Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing in the names of both the applicant and the Town of Stonington. These types of bond enable the Town to gain timely access to secured funds, for cause. In no case will an insurance company surety bond or a pass book be accepted as performance security. In the event the applicant fails to install all required site improvements within the timeframe specified by the Commission, the Town is empowered to withdraw such funds as determined necessary to complete site improvements. The term of the deposit account or letter of credit shall be determined by the Commission, and may be extended upon approval of a written request from the applicant.

8.6.1.2 The applicant may periodically apply to the Commission for a partial reduction in the amount of posted performance bond, reflecting the percentage and cost of completed improvements. A bond release will only be considered when a formal request has been submitted in writing. In determining the percentage of work completed, the Commission shall review cost estimates obtained from Town officials and/or consultants who are responsible for the inspection of said improvements. In no case shall portions

of the bond to be retained be less than that determined necessary to complete remaining improvements.

8.6.2 Maintenance Bond. Upon completion of all required site improvements to satisfaction of the Director of Public Works, the applicant shall post a Maintenance Bond equal to ten (10) percent of the initial Performance Bond. Such bond shall be retained for a period of one (1) year following the date of Performance Bond release, to guarantee workmanship and materials. Maintenance Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing in the names of both the applicant and the Town of Stonington. Maintenance Bond release will only be considered when a formal request has been submitted in writing and approved by the Director of Public Works.

8.6.3 Erosion and Sediment Control Bond. As a condition of final site plan approval, the applicant shall post a bond in an amount equal to costs deemed necessary by the Director of Public Works for installing and maintaining appropriate sediment and erosion control measures. If construction work ceases, this bond may be used to cover costs to the Town to restore the site as close as possible to pre-development conditions. The Erosion and Sediment Control Bond must be posted before any earth excavation or clearing work begins. This bond shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing in the names of both the applicant and the Town of Stonington. A bond release will only be considered when a formal request has been submitted in writing and approved by the Director of Public Works. The posting of an Erosion and Sediment Control Bond does not relieve the applicant from requirements governing installation and maintenance of these items.

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The fee schedule contained in Section 8.7 is deleted from the Zoning Regulations, replaced by a stand-alone Town Ordinance adopted in 2007.

8.7 APPLICATION AND INSPECTION FEE SCHEDULE

Pursuant to Section 8-1c of the Connecticut General Statutes, the Town of Stonington has by ordinance established a fee schedule, to be used for processing submitted applications. These fees are payable to the Town of Stonington at the time an application is filed, and are exclusive of the fee for municipal planning, zoning, wetlands and coastal management applications required by Section 22a-27j of the Connecticut General Statutes.

Submission of Zoning Regulation text amendments shall require a written finding of consistency with the Plan of Conservation & Development and Section 1.0.1 of the Zoning Regulations (8.3.3). Waiver requirements are modified (8.8.4).

8.8 IMPACT STATEMENT

8.8.1 Special Use Permits.

Each application for a Special Use Permit shall include a written Impact Statement that contains the following information:

- 8.8.1.1 General description of conditions including, but not limited to, environmental features, traffic, zoning, character of the area and existing facilities.
- 8.8.1.2 The proposed activity and results of proposed action in reference to environment, traffic, zoning, character of the area and existing facilities.
- 8.8.1.3 Alternatives and possible mitigating measures.
- 8.8.1.4 The commitment of irretrievable resources.
- 8.8.1.5 Existing and proposed utilities and public facilities including sewers or sanitary disposal, surface drainage, water supply, fire protection, and other issues of consequence. The Commission may require implementation of the information into the findings of fact or onto the Site Plan.
- 8.8.1.6 Existing and proposed hours of operation for each use on the site.

8.8.2 Zoning Map Amendments.

Each map amendment shall include a written statement that compares the proposed project developed to the maximum extent permitted by the proposed amendment, to the maximum development of the same land as permitted by the existing zoning regulations and other land capacity limitations, such as sanitary sewerage, wetlands, steep slopes, etc. (See Section 9.4 for additional guidance).

- 8.8.2.1 **Municipal Fiscal Impact.** A professional real estate economic analyst with experience in fiscal analyses, will prepare and submit a statement covering the following factors:

- .1 The property and other municipal tax and fee revenue that may be generated.
- .2 The municipal expenses and burdens that may be generated.
- .3 If there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools.
- .4 The impact of ancillary services to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.

8.8.2.2 Public Safety and Traffic. A licensed professional engineer specializing in traffic and highway topics will prepare and submit a statement covering the following factors:

- .1 The feasibility and safety considerations for the automobile and pedestrian traffic to be generated, and the capacity of intersections and proposed parking.
- .2 Access to highways and public streets to carry the traffic without undue congestion.

8.8.2.3 Public Works. A licensed professional engineer specializing in site engineering, drainage, and the design of municipal roads, highways, infrastructure and improvements will prepare and submit a statement covering the following factors:

- .1 The design and impact of the storm and other drainage systems at the project.
- .2 The design and shading of proposed lighting.
- .3 The design and layout of parking and its feasibility and safety for use by the public.
- .4 The capacity of the wastewater, water and other utility systems proposed to be built and used by the project.

8.8.2.4 Cultural, Aesthetic or Heritage.

A licensed architect, landscape architect or archeologist as is appropriate, experienced in the renovation or restoration of historic structures shall prepare and submit a statement covering the following factors, for structures listed on or eligible for inclusion in the National Register of Historic Places:

- .1 The design and placement of buildings and landscaping;

- .2 The maintenance of public amenities and the impact on heritage and character of the Town of Stonington.
- .3 The compatibility with public views and character of the surrounding neighborhood.
- .4 The reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development.
- .5 Protection of and compatibility with locally significant or historic sites, vistas or features.
- .6 Archeologically-significant resources.

8.8.2.5 Natural Resources. A licensed or certified professional specializing in environmental topics will prepare and submit a statement covering the following factors:

- .1 Views and view sheds.
- .2 Wetlands, aquifers, and watercourses critical to natural resources.
- .3 Trees, endangered or critical plant species or forms and woodland habitats.
- .4 Endangered or critical animals and natural habitats.
- .5 Land forms, slopes and soils.
- .6 Current agricultural production capability.
- .7 Air quality.

8.8.3 Zoning Text Amendments.

Each text amendment application shall include a written statement regarding the consistency of the proposal with the Plan of Conservation and Development, including the goals and policy statements and the implementation program contained in said Plan, and a statement regarding the conformance of the amendment to the general zoning purposes set forth in Section 1.0.1 (See Section 9.4 for additional guidance).

8.8.4 The Commission may waive one or more of the impact statement requirements by majority vote, provided that such request is made in writing at the time of application submission, describing in sufficient detail why such information is not relevant to the Special Use Permit or Zoning Amendment.

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Section 8.9 is modified to clarify materials to be submitted by applicants prior to a public hearing.

8.9 PUBLIC HEARINGS

8.9.1 Public Hearings shall be held by the Planning and Zoning Commission or the Zoning Board of Appeals on the following types of applications.

8.9.1.1 Special Use Permits. Applications shall be considered incomplete unless all items listed in Section 6.1.2 (Application Documents), 8.3.5 (Type 2 Site Plan), and 8.8.1 (Impact Statement) have been submitted.

8.9.1.2 Petition for an amendment to the Zoning Map or Zoning Regulations. Applications shall be considered incomplete unless all documents listed in Sections 8.8.2 or 8.8.3 have been submitted.

8.9.1.3 Variances.

8.9.1.4 Change of a non-conforming use (Section 2.6.1.3).

8.9.2 The Planning and Zoning Commission and Zoning Board of Appeals shall publish notice of the hearing at least twice in papers having substantial circulation in the Town, the first no more than 15 nor less than ten (10) days and the last not less than two (2) days prior to such hearing.

8.9.3 Hearings shall be scheduled no more than 65 days after the Official Date of Submission of an application (which is the regular monthly meeting, or 35 days from the date of the application) and shall be acted on within 65 days from the date of the close of the public hearing.

8.9.4 The Planning and Zoning Commission may schedule hearings on Site Plans, so long as action on the Site Plan occurs within 65 days from the Official Date of Submission.

8.9.5 Documents, plans and exhibits submitted to the Commission intended to constitute any portion of, or all of, the requirements of an application scheduled for public hearing, shall not be revised or substituted after 15 calendar days prior to the initial public hearing date. The applicant can submit revised documents, plans and exhibits after the public hearing is opened in response to Commission and Staff requests for information, provided the additional information is submitted five (5) calendar days prior to any continued public hearing date.

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8.10 ZONING BOARD OF APPEALS

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the Connecticut General Statutes, Sections 8-5 to 8-7.

8.10.1 Powers and Duties.

The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to appropriate conditions and safeguards in harmony with the purpose and intent of these regulations, the Plan of Conservation and Development, and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Stonington.

8.10.2 Review of Administrative Orders.

Any person claiming to be aggrieved by any order, requirement, or decision made by the Zoning Enforcement Officer may appeal to the Zoning Board of Appeals. Such appeal shall be filed within 15 days from the receipt of notice of the order, decision, or requirement of the Zoning Enforcement Officer. The Board may modify such order, decision or requirement appealed from and it shall have the powers of the authority from whose decision such appeal shall have been taken, but only insofar as to enforce these Regulations when an error has occurred.

8.10.3 Hardship.

Where there is difficulty or unreasonable hardship, but not economic hardship, in the way of carrying out the strict letter of the Zoning Regulations, the Zoning Board of Appeals shall have power in a specific case to vary the application of any bulk provision of the ordinance, if such variance will be in harmony with the general purpose and intent of the ordinance, the Town Plan of Development, and if the public health, safety and welfare will be served and substantial justice done. The Zoning Board of Appeals shall have no authority to permit by variance any use in any district in which such use is not otherwise allowed. The Zoning Board of Appeals shall provide findings, sustained by two thirds of its membership, that the configuration of the property upon which the action is based is such that its use, under strict interpretation of the regulations for the zone in which the property is located, is unreasonably limited for any and all permitted uses.

8.10.4 Gas Stations.

The Zoning Board of Appeals may grant location approvals for gasoline filling stations and other motor vehicle uses in zoning districts as allowed by these Regulations, pursuant to the Connecticut State Statutes.

Locations approved by the Board shall be subject to Special Use Permit requirements contained in Section 6.1.

8.10.5 Notice to Owners.

In addition to the legal notices otherwise required, the applicant shall cause written notices of the time and place of such hearing to be sent Certified Mail (return receipt requested) 15 days prior to said hearing to each owner of property within 200 feet of the boundaries of the subject property. A list of the owners of property within 200 feet of the subject property and evidence of mailing shall be filed with the Board at least five (5) days prior to the night of the public hearing.

8.10.6 Application to Board of Appeals.

All appeals and applications to the Board of Appeals shall be in writing on forms prescribed by the board. Each appeal or application shall fully set forth the circumstances of the case and, where applicable, shall reasonably illustrate with map(s) and other drawing(s) the location and nature of the appeal or request. Every appeal or application shall refer to the specific provision of the Regulation involved and shall exactly set forth, as the case may be, the interpretation that is applied for, and the grounds on which it is claimed that same should be granted.

8.10.7 Votes.

The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, or decision of the Zoning Enforcement Officer, to decide in favor of the applicant any matter upon which it is required to pass under any provision of these Regulations, or to vary the application of these Regulations.